

EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP

JONATHAN S. ABADY
MATTHEW D. BRINCKERHOFF
ANDREW G. CELLI, JR.
RICHARD D. EMERY
DEBRA L. GREENBERGER
DIANE L. HOUK
DANIEL J. KORNSTEIN
JULIA P. KUAN
HAL R. LIEBERMAN
ILANN M. MAAZEL
KATHERINE ROSENFELD
ZOE SALZMAN
SAM SHAPIRO
EARL S. WARD
O. ANDREW F. WILSON

ATTORNEYS AT LAW
600 FIFTH AVENUE AT ROCKEFELLER CENTER
10TH FLOOR
NEW YORK, NEW YORK 10020

TEL: (212) 763-5000
FAX: (212) 763-5001
www.ecbawm.com

MONDAIRE JONES
VASUDHA TALLA

ERIC ABRAMS
NICK BOURLAND
HANNAH BRUDNEY
DANIEL M. EISENBERG
ARIADNE M. ELLSWORTH
SARA LUZ ESTELA
LAURA S. KOKOTAILO
SONYA LEVITOVA
SARAH MAC DOUGALL
SANA MAYAT
HARVEY PRAGER
VIVAKE PRASAD
MAX SELVER
EMILY K. WANGER
RACHAEL WYANT

MEMO ENDORSED

May 30, 2024

By ECF

Honorable Laura Taylor Swain
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: Nunez v. City of New York, 11 Civ. 5845 (LTS)

Dear Judge Swain:

We write on behalf of the Plaintiff Class. Pursuant to Section 5(b)(ii) of the Court's Individual Rules of Practice, and paragraph 8 of the Amended Protective Order Concerning Confidential Information, Dkt. 89 (the "Amended Protective Order"), we write to request permission to file under seal **Exhibits 154, 156, 158-169** to the Declaration of Mary Lynne Werlwas dated May 30, 2024, which are also listed in the table below.

We also seek permission to redact from the public filings **Plaintiffs' Supplemental Proposed Findings of Fact** portions that discuss content that is exclusively contained in the Exhibits filed under seal. We are contemporaneously filing under seal an unredacted version of the Supplemental Proposed Findings of Fact showing in highlight the text that has been redacted from the publicly-filed version of this document.

We are filing **Exhibit 152**, excerpts from the Preliminary Review Spreadsheets, with the identifying names and camera angles redacted, and with the City's consent. We can file the exhibit without redactions upon the Court's request.

These Exhibits were produced by Defendants with the designation of Confidential or Attorneys' Eyes Only. Defendants confirmed by email dated May 28, 2024 that they requested all of these Exhibits to be filed under seal.

EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP

Page 2

Plaintiffs take no position on whether the following exhibits should remain under seal.

Ex.	DOC Material	Filed under seal
154	DOC's First Compliance Report, March 30, 2016	Yes
156	NCU's COD Assessments from 2023 and 2024	Yes
158	NCU Security Audit: 2023.10.19 RMSC Building 1	Yes
159	NCU Security Audit: 2023.11.13 RNDC 2LS	Yes
160	NCU Security Audit: 2023.12.13 RNDC 2LN	Yes
161	NCU Security Audit: 2023.12.15 OBCC 5 South West	Yes
162	NCU Security Audit: 2023.12.17 GRVC 7A	Yes
163	NCU Security Audit: 2024.01.02 RNDC 5LN	Yes
164	NCU Security Audit: 2024.01.17 GRVC 4B	Yes
165	NCU Security Audit: 2024.02.05 GRVC 3A	Yes
166	NCU Security Audit: Combined 2023.10.03 GRVC 5B and 2023.11.24 GRVC 10B	Yes
167	NCU Security Audit: Combined 2024.01.16 RNDC 6CN and 2024.01.18 OBCC 8 Lower	Yes
168	NCU Security Audit: Combined 2024.02.01 OBCC 7 Upper and 2024.02.07 RNDC 2US	Yes
169	NCU Security Audit: Combined 2024.02.15 OBCC 7 Lower and 2024.02.15 RNDC 2CN	Yes

We thank the Court for its attention to these matters.

Respectfully submitted,

/s/ _____

Mary Lynne Werlwas
 Kayla Simpson
 Katherine Haas
 Sophia Gebreselassie
 THE LEGAL AID SOCIETY
 PRISONERS' RIGHTS PROJECT

Counsel for Plaintiff Class

/s/ _____

Debra L. Greenberger
 Jonathan Abady
 Katherine Rosenfeld
 Vasudha Talla
 Sana Mayat
 EMERY CELLI BRINCKERHOFF
 ABADY WARD & MAAZEL LLP

Counsel for Plaintiff Class

To be approved, any redaction or sealing of a court filing must be narrowly tailored to serve whatever purpose justifies the redaction or sealing and must be otherwise consistent with the presumption in favor of public access to judicial documents. See, e.g., Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 119-20 (2d Cir. 2006). Defendants are hereby directed to file a letter articulating why the above documents should remain under seal by June 19, 2024, at 12:00 p.m. SO ORDERED.

6/14/2024

/s/ Laura Taylor Swain, Chief USDJ